

Document: Proposed Rule, **Register Page Number:** 29 IR 2278

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TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule LSA Document #04-181

DIGEST

Adds 326 IAC 20-80 and 326 IAC 20-81 concerning national emission standards for hazardous air pollutants for surface coating of miscellaneous metal parts and plastic parts. Effective 30 days after filing with the Secretary of State.

HISTORY

First Notice of Comment Period: July 1, 2004, Indiana Register (27 IR 3348).
Second Notice of Comment Period and Notice of First Hearing: October 1, 2004, Indiana Register (28 IR 413).
Change of Hearing Notice: March 1, 2005, Indiana Register (28 IR 1710).
Change of Hearing Notice: April 1, 2005, Indiana Register (28 IR 2156).
Change of Hearing Notice: June 1, 2005, Indiana Register (28 IR 2753).
Change of Hearing Notice: July 1, 2005, Indiana Register (28 IR 2995).
Change of Hearing Notice: January 1, 2006, Indiana Register (29 IR 1243).
Change of Hearing Notice: February 1, 2006, Indiana Register (29 IR 1581).
Date of First Hearing: March 1, 2006.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long.

REQUEST FOR PUBLIC COMMENTS

Portions of this proposed rule are substantively different from the draft rule published on October 1, 2004, at 28 IR 413. The Indiana Department of Environmental Management (IDEM) is requesting comment on the following portions of the proposed (preliminarily adopted) rule that are substantively different from the language contained in the draft rule.

The following requirements appeared in the draft rule but were deleted from the proposed (preliminarily adopted) rule:

- (1) Operator training for spray coating for miscellaneous metal parts and products at 326 IAC 20-80-2 in the draft rule.
- (2) Operator training for spray coating for plastic parts and products at 326 IAC 20-81-2 in the draft rule.

This notice requests the submission of comments on the deletion of sections of the draft rule listed above. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Comments on additional sections of the proposed rule that the commentor believes are substantively different from the draft rule may also be submitted for the consideration of the board. Mailed comments should be addressed to:

#04-181 Group 6 NESHAPS
Christine Pedersen Mail Code 61-50
c/o Administrative Assistant
Rule Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the Office of Air Quality, Tenth Floor East, 100 North Senate Avenue, Indianapolis, Indiana. Comments may also be submitted by facsimile to (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments in any form must be postmarked, hand-delivered, or faxed by April 24, 2006.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from October 1, 2004, through November 1, 2004, on IDEM's draft rule language. No comments were received during the comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On March 1, 2006, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules at 326 IAC 20-80 and 326 IAC 20-81. No comments were made at the first hearing.

326 IAC 20-80

326 IAC 20-81

SECTION 1. 326 IAC 20-80 IS ADDED TO READ AS FOLLOWS:

Rule 80. Surface Coating of Miscellaneous Metal Parts and Products

326 IAC 20-80-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.3881* (69 FR 158, January 2, 2004, as amended on April 26, 2004, 69 FR 22660).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MMMM* (69 FR 158, January 2, 2004, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products, as amended on April 26, 2004, 69 FR 22660).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-80-1*)

SECTION 2. 326 IAC 20-81 IS ADDED TO READ AS FOLLOWS:

Rule 81. Surface Coating of Plastic Parts and Products

326 IAC 20-81-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.4481* (69 FR 20991, April 19, 2004, as amended on April 26, 2004, 69 FR 22660).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart PPPP* (69 FR 20990, April 19, 2004, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products, as amended on April 26, 2004, 69 FR 22660).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-81-1*)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on June 7, 2006 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed new rules at 326 IAC 20-80 and 326 IAC 20-81.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Christine Pedersen, Rule Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204

or call (317) 233-0855 or (317) 232-6565 (TDD). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Quality